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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

RIGHTHAVEN LLC, a Nevada limited-  
liability company,

Plaintiff,

v.

DON W. JOE, an individual,

Defendant.

Case No.: 2:10-cv-01684

**COMPLAINT AND DEMAND  
FOR JURY TRIAL**

Righthaven LLC (“Righthaven”) complains as follows against Don W. Joe (“Mr. Joe”) on information and belief:

**NATURE OF ACTION**

1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.

**PARTIES**

2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-liability company with its principal place of business in Nevada.



1           12.     The subject matter, at least in part, of the Work and the Infringement, is the  
2 Nevada gubernatorial candidates' efforts to gain a political endorsement from the Asian  
3 American Group.

4           13.     At all times relevant to this lawsuit, Mr. Joe knew that the Work was originally  
5 published in the *Las Vegas Review-Journal*.

6           14.     At all times relevant to this lawsuit, Mr. Joe knew that the Infringement was and  
7 is of specific interest to Nevada residents.

8           15.     Mr. Joe's display of the Infringement was and is purposefully directed at Nevada  
9 residents.

10          16.     Mr. Joe's contacts with Nevada are continuous and systematic because Mr. Joe  
11 displayed and displays, on the Website, advertisements for Nevada-based divorce attorneys,  
12 bankruptcy attorneys, employment attorneys, and personal injury attorneys, evidence of which is  
13 attached hereto as Exhibit 3.

14          17.     Mr. Joe's contacts with Nevada are continuous and systematic because Mr. Joe  
15 displayed and displays, on the Website, advertisements for Nevada political campaigns and  
16 Nevada-based political candidates, evidence of which is attached hereto as Exhibit 4.

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19                                   **VENUE**

20          18.     The United States District Court for the District of Nevada is an appropriate  
21 venue, pursuant to 28 U.S.C. § 1391(b)(2), because a substantial part of the events giving rise to  
22 the claim for relief are situated in Nevada.

23          19.     The United States District Court for the District of Nevada is an appropriate  
24 venue, pursuant to 28 U.S.C. § 1400 (a), because Mr. Joe is subject to personal jurisdiction in  
25 Nevada.

**FACTS**

20. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. § 102(a)(1).

21. Righthaven is the owner of the copyright in and to the Work.

22. The Work was originally published on or about June 28, 2010.

23. On September 21, 2010, the United States Copyright Office (the “USCO”) received Righthaven’s official submittal for the registration to the Work, including the application, the deposit copy, and the registration fee (the “Complete Application”), Service Request No. 1-490417772, and attached hereto as Exhibit 5 is the official USCO application submittal for the Work depicting the occurrence of the Complete Application.

24. On or about June 28, 2010, Mr. Joe displayed, and continues to display, the Infringement on the Website.

25. Mr. Joe did not seek permission, in any manner, to reproduce, display, or otherwise exploit the Work.

26. Mr. Joe was not granted permission, in any manner, to reproduce, display, or otherwise exploit the Work.

**CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

27. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through 26 above.

28. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17 U.S.C. § 106(1).

29. Righthaven holds the exclusive right to prepare derivative works based upon the Work, pursuant to 17 U.S.C. § 106(2).

30. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to 17 U.S.C. § 106(3).

1           31.     Righthaven holds the exclusive right to publicly display the Work, pursuant to 17  
2 U.S.C. § 106(5).

3           32.     Mr. Joe reproduced the Work in derogation of Righthaven's exclusive rights  
4 under 17 U.S.C. § 106(1).

5           33.     Mr. Joe created an unauthorized derivative of the Work in derogation of  
6 Righthaven's exclusive rights under 17 U.S.C. § 106(2).

7           34.     Mr. Joe distributed, and continues to distribute, an unauthorized reproduction of  
8 the Work on the Website, in derogation of Righthaven's exclusive rights under 17 U.S.C. §  
9 106(3).

10          35.     Mr. Joe publicly displayed, and continues to publicly display, an unauthorized  
11 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under  
12 17 U.S.C. § 106(5).

13          36.     Mr. Joe has willfully engaged in the copyright infringement of the Work.

14          37.     Mr. Joe's acts as alleged herein, and the ongoing direct results of those acts, have  
15 caused and will continue to cause irreparable harm to Righthaven in an amount Righthaven  
16 cannot ascertain, leaving Righthaven with no adequate remedy at law.

17          38.     Unless Mr. Joe is preliminarily and permanently enjoined from further  
18 infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus  
19 entitled to preliminary and permanent injunctive relief against further infringement by Mr. Joe of  
20 the Work, pursuant to 17 U.S.C. § 502.

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23                   **PRAYER FOR RELIEF**

24           Righthaven requests that this Court grant Righthaven's claim for relief herein as follows:

25           1.     Preliminarily and permanently enjoin and restrain Mr. Joe, and Mr. Joe's agents,  
26 servants, employees, attorneys, parents, subsidiaries, related companies, partners, and all persons  
27 acting for, by, with, through, or under Mr. Joe, from directly or indirectly infringing the Work by  
28 reproducing the Work, preparing derivative works based on the Work, distributing the Work to

1 the public, and/or displaying the Work, or ordering, directing, participating in, or assisting in any  
2 such activity;

3 2. Direct Mr. Joe to preserve, retain, and deliver to Righthaven in hard copies or  
4 electronic copies:

5 a. All evidence and documentation relating in any way to Mr. Joe's use of  
6 the Work, in any form, including, without limitation, all such evidence and  
7 documentation relating to the Website;

8 b. All evidence and documentation relating to the names and addresses  
9 (whether electronic mail addresses or otherwise) of any person with whom Mr. Joe has  
10 communicated regarding Mr. Joe's use of the Work; and

11 c. All financial evidence and documentation relating to Mr. Joe's use of the  
12 Work;

13 3. Direct Network Solutions, and any successor domain name registrar for the  
14 Domain, to lock the Domain and transfer control of the Domain to Righthaven;

15 4. Award Righthaven statutory damages for the willful infringement of the Work,  
16 pursuant to 17 U.S.C. § 504(c);

17 5. Award Righthaven costs, disbursements, and attorneys' fees incurred by  
18 Righthaven in bringing this action, pursuant to 17 U.S.C. § 505;

19 6. Award Righthaven pre- and post-judgment interest in accordance with applicable  
20 law; and

21 7. Grant Righthaven such other relief as this Court deems appropriate.  
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**DEMAND FOR JURY TRIAL**

Righthaven requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Dated this twenty-eighth day of September, 2010.

RIGHTHAVEN LLC

By: /s/ J. Charles Coons  
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